

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ANTONIO DAVIS,

Plaintiff,

vs.

NEVADA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:13-cv-01727-JAD-CWH

**ORDER**

This matter is before the Court on Defendants' Response to the Order to Show Cause (#20) and Notice of Compliance with the Court's Order (#21), both filed on January 22, 2014. On January 7, 2014, the Court issued an Order granting with modifications the parties' Proposed Discovery Plan and Scheduling Order (#16). *See* Order #17. In doing so, the Court noted that the parties failed to comply with Local Rule ("LR") 26-4. Accordingly, the Court ordered all counsel of record, including Mercedes S. Menendez, to submit a notice to the court by January 21, 2014 certifying that they have reviewed the corrections listed in the order in addition to LR 26-1. Mercedes S. Menendez failed to comply with the Court's Order. Accordingly, the Court issued an Order to Show Cause why Mercedes S. Menendez should not be sanctioned.

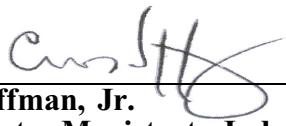
After careful review of the response brief and certification that Mercedes S. Menendez has reviewed the corrections and LR 26-4, the Court finds that no sanctions are warranted at this time. Mercedes S. Menendez has certified that she will comply with the Local Rules in the future. Additionally, Mercedes S. Menendez promptly responded to the Court's Order to Show Cause and explained that the failure to comply was due to a calendaring error.

Based on the foregoing and good cause appearing therefore,

**IT IS HEREBY ORDERED** that sanctions, including monetary sanctions and a recommendation for civil contempt, shall not be imposed on Mercedes S. Menendez for her

1 failure to comply with a court order in violation of Federal Rule of Civil Procedure 16(f) and  
2 Local Rule IA 4-1.

3 DATED this 23rd day of January, 2014.

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6 **C.W. Hoffman, Jr.**  
7 **United States Magistrate Judge**  
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